

Senate Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 233

SENATE BILL 1055

AN ACT

AMENDING SECTION 13-4430, ARIZONA REVISED STATUTES; RELATING TO CRIME
VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-4430, Arizona Revised Statutes, is amended to
3 read:

4 13-4430. Consultation between crime victim advocate and victim;
5 privileged information; exception

6 A. A crime victim advocate shall not disclose as a witness or
7 otherwise any communication except compensation or restitution information
8 between himself and the victim unless the victim consents in writing to the
9 disclosure.

10 B. Unless the victim consents in writing to the disclosure, a crime
11 victim advocate shall not disclose records, notes, documents, correspondence,
12 reports or memoranda, except compensation or restitution information, that
13 contain opinions, theories or other information made while advising,
14 counseling or assisting the victim or that are based on the communication
15 between the victim and the advocate.

16 C. The communication is not privileged if the crime victim advocate
17 knows that the victim will give or has given perjured testimony or if the
18 communication contains exculpatory evidence.

19 D. A defendant may make a motion for disclosure of privileged
20 information. If the court finds there is reasonable cause to believe the
21 material is exculpatory, the court shall hold a hearing in camera. Material
22 that the court finds is exculpatory shall be disclosed to the defendant.

23 E. If, with the consent of the victim, the crime victim advocate
24 discloses to the prosecutor or a law enforcement agency any communication
25 between the victim and the crime victim advocate or any records, notes,
26 documents, correspondence, reports or memoranda, the prosecutor or law
27 enforcement agent shall disclose such material to the defendant's attorney
28 only if such information is otherwise discoverable.

29 F. Notwithstanding subsections A and B, if a crime victim consents
30 either verbally or in writing, a crime victim advocate may disclose
31 information to other professionals and administrative support persons that
32 the advocate works with for the purpose of assisting the advocate in
33 providing services to the victim AND TO THE COURT IN FURTHERANCE OF ANY
34 VICTIM'S RIGHT PURSUANT TO THIS CHAPTER.

APPROVED BY THE GOVERNOR MAY 6, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2010.